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09/576,300	05/23/2000	Fred S. Cook	1364	4399

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EXAMINER

TODD, GREGORY G

ART UNIT PAPER NUMBER

2157

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/576,300

Applicant(s)

COOK, FRED S

Examiner

Gregory G Todd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,5-7,15,19-21 and 43-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5-7,15,19-21 and 43-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This is a fourth office action in response to applicant's amendment and request for continued examination filed, 27 December 2004, of application filed, with the above serial number, on 23 May 2000 in which claims 1, 15, and 43 have been amended. Claims 1, 5-7, 15, 19-21, and 43-46 are therefore pending in the application.

### ***Specification***

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Applicant has referred examiner to pages 20-23 for the limitation of the action for the second user being the same as the action for the first user and the first alias selection not being the same as the second alias selection. However, while the one user experience is described as Applicant admits, it would not be inherent that, for example, a different alias selection could perform the same action. Further, Applicant states users would customize their aliases, however, Applicant's only state customizing the network shell and it would not be inherent that a user would customize the alias for an action .

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 5-7, 15, 19-21, and 43-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Hayes, Jr. (hereinafter "Hayes", 6,205,476).

As per Claim 15, Hayes teaches an access system for providing access between user systems and a plurality of service networks that provide services to users, the access system comprising:

a first network device configured to select a first alias from a first-graphically presented network shell, transmit a packet including the first alias selection to an access server from the network device (user1 - userN) (at least Fig. 3-4; col. 13, lines 8-50);

a second network device configured to select a second alias from a second-graphically presented network shell, transmit a packet including the second alias selection to an access server from the network device (user1 - userN) (at least Fig. 3-4; col. 13, lines 8-50);

the access server connected to the user systems and the plurality of communication networks and configured to determine if a first user associated with the first network device is recognized (user ID and password verification) (at least col. 7, lines 17-35), if the first user is recognized, retrieve the first network shell for the first user from a user access profile for the first user from an access database wherein the first network shell is customized for the first user (user profile based desktop

preferences and permissions) (at least col. 1, lines 58-67), receive the first alias selection from the first user into the access server for the first network shell that includes alias selections associated with actions (determining availability of application selected by user) (at least col. 2, lines 1-29), process the first alias selection to execute the action associated with the first alias selection in a one of the plurality of service networks, determine if a second user associated with the second network device is recognized (user ID and password verification) (at least col. 7, lines 17-35), if the second user is recognized, retrieve a second network shell for the second user from a user access profile for the second user from an access database wherein the second network shell is customized for the second user (user profile based desktop preferences and permissions) (at least col. 1, lines 58-67; col. 13, lines 8-50; col. 14, lines 10-17), receive the second alias selection from the second user into the access server for the second network shell that includes alias selections associated with actions (determining availability of application selected by user) (at least col. 2, lines 1-29; col. 13, lines 8-50; col. 14, lines 10-17), process the second alias selection to execute the action in the one service network associated with the second alias selection wherein the action for the second user is the same as the action for the first user and wherein the first alias selection is not the same as the second alias selection (eg. applet2 with different preferences and permissions dependent on user) (at least col. 13, lines 8-50; col. 14, lines 10-17; col. 16, lines 25-55); and

a database system connected to the access server (at least Fig. 2; col. 8, lines 36-42).

As per Claim 19.

wherein the action comprises a program (application) (at least col. 2; lines 1-29).

As per Claim 20.

wherein the action comprises a macro (at least col. 2 line 1 - col. 3 line 58).

As per Claim 21.

wherein the action comprises a service (at least col. 2 line 1 - col. 3 line 58).

Claims 1, 5-7, and 43-46 do not add or define any additional limitations over claims 15 and 19-21 and therefore are rejected for similar reasons.

### ***Response to Arguments***

5. Applicant's arguments filed 27 December 2004 have been fully considered but they are not persuasive. Applicants argue, substantially, that a) Hayes does not teach an access server coupled to a plurality of service networks; and b) two users utilizing different aliases for the same action or program.

6. In response to a) In response to applicant's arguments, the recitation of an access server coupled to a plurality of service networks has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). While the claims

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have been amended to further include, for example, "the first alias selection in a one of the plurality of service networks", and goes on for the second communication also occurring in the one service network, since all communication is on only one network, the preamble limitations for providing access to users and a plurality of networks, this does not occur in the base claim terminology. Furthermore, Hayes is teaching accessing a desktop profile for the user from a server, thus such a "service" being rendered by accessing the particular server. The adjective describing the type of network does not change the essence of what is being taught in the claims.

In response to b) Hayes teaches the same applications or applets being run by different users on different clients with different desktops, however the "alias" selections according to each different user is different for each of the same applications where different preferences and permissions are associated for the same applications according to the user and desktop (at least col. 13, lines 8-50). While the Applicant points out in column 2 of Hayes, the example of icons being the same with both users, this assumption occurs in the background of Hayes invention, in which he is improving his invention on.

Furthermore, Applicants state, on page 8, third paragraph, "Hayes merely discloses applications or applets that are customized on a user or user group basis."

Referring to page 7, second paragraph, Applicants also state:

"...the action for the second user being the same as the action for the first user, and the first alias selection not being the same as the second alias selection. The Applicant believes that these limitations are inherently supported by the Specification in

that pages 20-23 describe a customized network shell that appears as a list of alias selections that are associated with actions. It follows that if one user can customize a network shell based on his user access profile, then another user can also customize his network shell based upon his own user access profile. Thus, while the Specification describes the user experience for a single user, the user experience for a second user would inherently be the same. If one user can create an alias for a certain action then another user can also create an alias for the same action. The aliases created by each user could therefore be different being that different users would customize their aliases based on their own individual preferences.”

Thus, using Applicants’ rationale, and assuming Applicant’s assumption for multiple users to be described sufficiently in the specification, which Examiner disagrees with, it would also be inherent for Hayes to support a “second” user, as Hayes lets each user customize their profile.

### **Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Newly cited Anand et al, Watson et al, Callaway et al, San Andres et al, Minh, and Millard, in addition to previously cited Suzuki et al, Brandt et al, Dircks et al, Barlock et al, Dutcher et al, Bertram et al, Nolan, Lim et al, Brown et al, Barillaud, Kavner, and Shannon are cited for disclosing pertinent information related to the claimed invention.



Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory G Todd whose telephone number is (571)272-4011. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

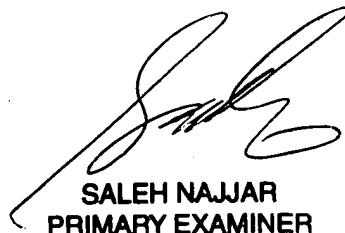
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Gregory Todd



Patent Examiner

Technology Center 2100



**SALEH NAJJAR**  
**PRIMARY EXAMINER**